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to the law and legal literature of other civil-law countries. They will also be moved to ask when he or someone else will do the same sort of work for English-speaking countries.

The ground that Mr. Borchard has covered is so extensive, and he has covered it on the whole so well, that it seems invidious to criticize any details. His estimate of single works, though usually just, errs often on the side of kindness; and in some instances, in the reviewer's judgment, he has stretched his mantle of charity over sinners. In the parts of the book which the reviewer has read most carefully he has found few questionable statements; but he is unable to agree with the author's assertion, on page 153, that "the Romans made no great distinction between civil and criminal law"; and in his opinion the statement, on page 15, that "the decisions of courts in Germany are not binding precedents, even on inferior courts," needs qualification. The statement, as Dernburg long ago pointed out, is not quite true even as regards single decisions; and it is not true at all, according to the more modern and better German opinion, as regards the steady current of decisions, the *Gerichtsgebrauch*.

The scheme for a *Subject Catalogue of American and English Law*, which Mr. Hupper has prepared under Mr. Borchard's direction, will be of value to all law librarians and consequently of advantage to all who use law libraries. A foreign jurist, noting the purely alphabetical arrangement of legal topics, would turn at once to Mr. Borchard's "Prefatory Note," in order to ascertain why a method so archaic and so unscientific was still employed, and he would remain unenlightened. The explanation, of course, is that there is no logical system of arrangement that commands general recognition. This fact, of course, justifies Mr. Hupper's adherence to the alphabetical plan. Equally of course, it is unnecessary to explain to English and American lawyers why this arrangement is employed. Most of them are not aware that any other arrangement is conceivable.

Munroe Smith.

BOOKS RECEIVED.

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